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BY ECF

The Honorable William F. Kuntz, II
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

**Re: *Glander Int'l Bunkering Inc. v. Unico Marine Services, LLC, et al.*,
Case No. 1:21-cv-6830-WFK-TAM**

Dear Judge Kuntz:

We respectfully submit this letter on behalf of Intervenor JMB Shipping ATB 284, LLC, JMB Shipping ATB 220, LLC, and JMB Shipping ATB 2805 LLC (collectively, “JMB Shipping”) to ask the Court to (1) require Defendant Unico Marine Services, LLC (“Unico Marine”) again to sell the Tug TERESA and Barge ACADIA (together, the “Vessel”), as Your Honor already ordered approximately a month ago; (2) to provide a status report on this sale, which Unico Marine promised it would by March 11, 2022 and which is therefore late; and (3) to seek a status conference before Your Honor to seek guidance in connection with the action pending before the Honorable Paul A. Engelmayer in the U.S. District Court for the Southern District of New York, No. 1:22-mc-00067-PAE. We seek guidance regarding the Court’s view of the scope and effect of the preliminary injunction that Your Honor issued by minute order on March 11, 2022 (the “Injunction”) because JMB seeks to make a filing in that action and does not wish to run afoul of the Injunction.

Failure to Abide by this Court’s Order to Sell the Vessel and Provide a Status Report

On February 17, 2022, the Court ordered the sale of the Vessel, and required Unico Marine to deposit the sale proceeds into the Court registry by March 3, 2022. *See* ECF No. 69. On March 4, Unico Marine filed two letters stating that it had not sold the Vessel, but intended to do so soon. *See* ECF Nos. 107-08. Unico Marine likewise represented that it would provide the Court and parties with a status report by March 11, 2022, *see id.*, yet failed to do so. Accordingly, JMB Shipping respectfully requests that Your Honor order that the sale be consummated as soon as possible and that a status report be filed forthwith with an update on the sale’s status.

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The Injunction

JMB Shipping of course seeks to comply with the Injunction, and has notified Judge Engelmayer of the Injunction. Yet the language in Unico Marine's letter, which the Court appears to have endorsed, is ambiguous. Unico Marine's letter motion requested:

an order enjoining JMB [Shipping] from further pursuit of the action it filed in the Southern District of New York, including service of any writ of attachment on any party, individuals, agents, or purported garnishes. We also submit that JMB should be directed to promptly file within this action any further application for relief it has sought against Unico Marine and its property including any application pursuant to New York Civil Practice Law and Rules 7502(c)

ECF No. 110, Unico Marine's Letter Motion (Mar. 7, 2022). The meaning of "further pursuit," for example, is not clear. Thus, JMB Shipping respectfully requests a conference with the Court to obtain guidance on the intended scope and effect of the Injunction, as JMB Shipping would like to make filings in the action before Judge Engelmayer without violating the Injunction.

Respectfully submitted,

Rachel Maimin

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Christopher Schafbuch

cc: Counsel of record